

**REMARKS**

Claims 1-25 were pending in the application. Claims 1-25 have been amended. No claims have been cancelled or added. Therefore, claims 1-25 remain pending and are resubmitted for consideration.

Support for the claim amendments may be found, among other places, in paragraphs [0027] and [0030] of the published application.

**Claim Objections**

Claims 1, 14, 15, and 17 are objected to for informalities. Claims 1, 14, 15, and 17 have been amended as appropriate. Therefore, reconsideration and withdrawal of the objections are respectfully requested.

**Rejection under 35 U.S.C. § 102 – Dittmer**

Claims 1-12, 14-21, and 24-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,175,152 (“Dittmer”). The rejection should be withdrawn for at least the following reasons.

Amended claim 1 calls for an apparatus for positioning an object that comprises, among other things: “*at least one affixed member comprising at least one planar surface moveably connected to the at least one friction generating member and having there between the at least one friction member*” and wherein “*said friction force opposing and preventing motion of the object due to a force up to a predetermined magnitude and to allow adjustment of the position of the object by applying a force greater than the predetermined magnitude.*” Dittmer fails to teach or suggest such an apparatus.

Dittmer discloses a display mounting device that comprises a device interface bracket (24) configured to attach to a back side (106) of a flat panel display (26) by fastening buttons (52). *See* Dittmer at col. 6, lines 28-30. A mount bracket (22) and bracket (138) are attached to the device interface bracket (24). *See* Dittmer at Fig. 2A. The mount bracket (22) is attached to a fixed structure, such as a wall, and includes a latch arm (30). *See* Dittmer at col.

4, lines 19-25. The device interface bracket (24) also includes perpendicular wall portions (134) at opposing sides (44, 46) of the plate (28) that are connected to the bracket (138) by fasteners (148) inserted through a curved guide slot (146). *See* Dittmer at Figs. 2A-4.

According to the examiner, the fastening button (52) corresponds to a “friction member” and the plate (28) of the mount bracket (22) corresponds to a “friction generating member.” *See* Office Action at p. 3. The examiner further states that the opposing side (44) corresponds to the “affixed member” of the claims. *See* Office Action at p. 3. However, Applicants respectfully disagree.

The alleged affixed member (opposing side portion 44) is just a side of the **plate (28)**. *See* Dittmer at col. 7, lines 18-21. If the plate (28) already corresponds to a “friction generating member” as alleged by the Examiner, then that same part (plate 28) cannot also be a separate part of the device, namely the alleged “affixed member comprising at least one planar surface moveably connected to the at least one friction generating member and having there between the at least one friction member.” If the plate (28) is **both** the alleged affixed member and the friction generating member, then clearly the affixed member and the friction generating member **cannot have** “there **between** the at least one friction member” as required in the claims. The alleged friction member (fastening button 52) is clearly not between the plate (28) and the opposing side (44) of the plate (28). *See* Dittmer at Fig. 2A.

Furthermore, even assuming for the sake of the argument that the device interface bracket (24) corresponds to the affixed member, the alleged friction member (fastening button 52) is not positioned between the alleged friction generating member (plate 28) and alleged affixed member (device interface bracket 24). Rather, the alleged friction member (fastening button 52) is on the alleged affixed member (device interface bracket 24) and is adjacent one portion of the alleged friction generating member (plate 28), not **between**.

Additionally, Dittmer does not teach or suggest the “friction generating member [being] configured to generate a friction force between the at least one friction member and the at least one affixed member, said friction force opposing and preventing motion of the object due to a force up to a predetermined magnitude and to allow adjustment of the position

of the object by applying a force greater than the predetermined magnitude” as required in the claims. Rather, Dittmer merely teaches that the alleged friction member (fastening button 52) locks the device interface bracket (24) to the panel (26). *See* Dittmer at col. 6, lines 28-30. The attachment of the fastening button (52) to the device interface bracket (24) and panel (26) does not permit adjustment of the position of the object (panel 26) by applying a force greater than the predetermined magnitude. Thus, for at least these reasons, the rejection of claim 1 is improper. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2-12, 14-21, and 24-25 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

**Rejection under 35 U.S.C. § 103 – Dittmer & Wang**

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dittmer in view of U.S. Patent No. 6,367,756 (“Wang”). The rejection should be withdrawn at least because Dittmer and Wang, taken together or separately, fail to teach or suggest each and every element of the claimed invention.

Claim 13 depends from claim 1. As discussed above, Dittmer fails to teach or suggest each and every element of amended claim 1. Wang fails to cure the deficiencies of Dittmer.

Even assuming for the sake of the argument that one of ordinary skill in the art would have been motivated to modify Dittmer to include a screw with a nut as allegedly taught by Wang, the resulting modification would still fail to teach or suggest an apparatus for positioning an object that comprises, among other things: “at least one affixed member comprising at least one planar surface moveably connected to the at least one friction generating member and having there between the at least one friction member” and wherein “said friction force opposing and preventing motion of the object due to a force up to a predetermined magnitude and to allow adjustment of the position of the object by applying a force greater than the predetermined magnitude” as required by claim 1. Thus, the rejection of claim 13 should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

**Rejection under 35 U.S.C. § 103 – Dittmer & Asamarai**

Claims 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dittmer in view of U.S. Patent Publication No. 2006/0091274 (“Asamarai”). The rejection should be withdrawn at least because Dittmer and Asamarai, taken together or separately, fail to teach or suggest each and every element of the claimed invention.

Claims 22 and 23 depend from claim 1. As discussed above, Dittmer fails to teach or suggest each and every element of amended claim 1. Asamarai fails to cure the deficiencies of Dittmer.

Even assuming for the sake of the argument that one of ordinary skill in the art would have been motivated to modify the alleged friction member of Dittmer to include a friction coefficient as allegedly taught by Asamarai, the resulting modification would still fail to teach or suggest an apparatus for positioning an object that comprises, among other things: “at least one affixed member comprising at least one planar surface moveably connected to the at least one friction generating member and having there between the at least one friction member” and wherein “said friction force opposing and preventing motion of the object due to a force up to a predetermined magnitude and to allow adjustment of the position of the object by applying a force greater than the predetermined magnitude” as required by claim 1. Thus, the rejection of claims 22 and 23 should be withdrawn.

Furthermore, none of the references teach a friction member with a “high friction coefficient number” as called for in claim 22. The Examiner relies on Asamarai for teaching a high friction coefficient number. *See* Office Action at p. 5. However, Asamarai teaches away from a high friction coefficient number. Asamarai teaches using a lubricant or having a surface with a low friction coefficient number. *See* Asamarai at ¶ [0035]. The rejection is improper. Reconsideration and withdrawal of the rejection are respectfully requested.

**Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 22, 2009

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5485  
Facsimile: (202) 672-5399

By Jessica M. Cahill

William T. Ellis  
Attorney for Applicant  
Registration No. 26,874

Jessica M. Cahill  
Attorney for Applicant  
Registration No. 56,986